

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: AMY LESTER (AL-3398)  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel.: (212) 637-2416

JUDGE RAKOFF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
:  
UNITED STATES OF AMERICA

VERIFIED COMPLAINT

- v. -

:  
08 Civ.

:  
\$484,880.00 in UNITED STATES  
CURRENCY,

:  
**08 CV 6137**

:  
Defendant-in-rem.  
-----x

Plaintiff United States of America, by its attorney,  
Michael J. Garcia, United States Attorney for the Southern District  
of New York, for its verified complaint alleges, upon information  
and belief, as follows:

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 21 U.S.C. § 881  
by the United States of America seeking the forfeiture of  
\$484,880.00 in United States currency (the "defendant-in-rem  
currency"), on the ground that the defendant-in-rem currency  
constitutes moneys furnished or intended to be furnished in  
exchange for a controlled substance, proceeds traceable to such an  
exchange, and/or moneys used or intended to be used to facilitate  
such an exchange.

2. This Court has jurisdiction pursuant to 28 U.S.C.

§§ 1345 and 1355. Venue is proper under 28 U.S.C. §§ 1355(b) and 1395(b) because the actions and omissions giving rise to forfeiture took place in the Southern District of New York and because the defendant-in-rem currency was found and seized in the Southern District of New York.

3. The defendant-in-rem currency is presently in the custody of the United States Marshals Service ("USMS") Seized Asset Deposit Fund Account held at the Federal Reserve Bank.

## II. PROBABLE CAUSE FOR FORFEITURE

4. On or about February 12, 2008, special agents of the Drug Enforcement Administration and officers of the Yonkers Police Department established surveillance on a vehicle owned by Jesus Pascual ("Pascual") in Yonkers, New York, in connection with a narcotics investigation.

5. Upon parking his vehicle at his residence at [REDACTED], Yonkers, NY [REDACTED], the law enforcement officers advised Pascual that his vehicle was under investigation. Pascual consented to a search of the vehicle.

6. During the search, a K-9 unit alerted to the presence of narcotics in certain areas of the vehicle. Pascual denied the presence of narcotics in the vehicle. The law enforcement officers also discovered a secret compartment or "trap" in the vehicle.

7. Upon completion of the search of the vehicle,

Pascual consented to a search of his residence.

8. During the search, the K-9 unit alerted to the presence of narcotics on a safe that was located in the residence. Pascual advised the officers that the safe contained money. After obtaining a search warrant for the safe from the City Court of Yonkers, the officers found \$484,880.00 in United States currency, in the following denominations: (a) 90 \$100 bills; (b) 512 \$50 bills; (c) 21,618 \$20 bills; (d) 1,627 \$10 bills; (e) 280 \$5 bills; and (f) 250 \$1 bills; and a Rolex watch inside the safe.

### III. CLAIM FOR FORFEITURE

9. Incorporated herein are the allegations contained in paragraphs one through eight of the Verified Complaint.

10. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such exchanges, and all moneys used or intended to be used to facilitate such exchanges, in violation of Subchapter I of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and no property right exists in such proceeds.

11. The defendant-in-rem currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because there is probable cause to believe that it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such exchanges, and/or moneys used or intended to be

used to facilitate such exchanges, in violation of Subchapter I of Title 21 of the United States Code.

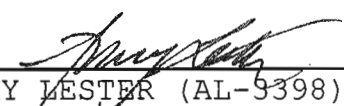
12. By reason of the above, the defendant-in-rem currency became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the defendant-in-rem currency and that all persons having an interest in the defendant-in-rem currency be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the defendant-in-rem currency to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
July 3, 2008

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the Plaintiff  
United States of America

By: \_\_\_\_\_

  
AMY LESTER (AL-9398)  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Tel.: (212) 637-2416

